

PUBLIC LAW NO. 7-45  
SEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

THRD SPECIAL SESSION, 1991

SENATE BILL NO. 7-79  
H.D.1, C.C.D.1

---

---

AN ACT

To extend the exemption created by Public Law 6-5,  
Public Law 6-36, and Public Law 7-4 for the hiring of  
Non-resident Workers by the Public School System; and  
for other purpose.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH  
LEGISLATURE:

**Section 1. Short Title.** This Act may be known and cited as  
Public School System Exemption Act of 1991.

**Section 2. Purpose and Findings.** Public Law 6-5  
established, and Public law 6-36 confirmed, an exception to  
the general rule that non-resident worker certificates shall  
not be approved by the Chief of Labor for any positions within  
the Commonwealth Government. These public laws created an  
exception for the hiring of non-resident workers by the Public  
School System but Public Law 7-4 limited that exception by  
causing it to expire on September 30, 1992, and further  
required that any nonresident workers employed after September  
1990 as classroom teachers must be graduates of colleges or  
universities in the United States or which are accredited by  
the United States or alternatively must be graduates of a  
college or university and pass a "BESTE" test for English or  
its functional equivalent as designated by the Board of  
Education. However, the Legislature finds that there is a  
continuing need by the Public School System for the hiring of  
teachers who are not currently available for the Commonwealth  
local labor pool. Further, the Legislature finds that despite  
the effort to meet the condition in Public Law 7-4, that goal  
has not yet been realized. The Legislature also finds that  
the Department of Natural Resources as well as the Central  
Statistics Division of the Department of Commerce and Labor

should be included under the exception provided in 3 CMC Section 4434 (e). It is therefore the purpose of this Act to further amend 3 CMC Section 4434 (e) (1) and require that the condition in Public Law 7-4 must be met by September 1993, and further amend 3 CMC Section 4434 (e) to include the Department of Natural Resources as well as the Central Statistics Division of the Department of Commerce and Labor. It is also the purpose of this Act to further amend 3 CMC Section 4434 (e) and to extend said exemptions by September 30, 1993.

**Section 3. Amendment.** Title 3 CMC, Division 4, Section 4434 (e) (1) is further amended to read as follows;

“(1) in the Public School System, provided however, that nonresident workers employed after September 1993 as classroom teachers must be graduates of college or university in the United States or which are accredited by the United States accrediting associations, or alternatively must be graduates of a college or university and pass a “BESTE” test for English proficiency or its functional equivalent as designated by the Board of Education.”

**Section 4. Amendment.** Title 3, Section 4434 (e) (8) is amended to read as follows:

“(8) in the Department of Finance for technical and professional accountancy financial analysis and revenue and tax auditors, or”

**Section 5. Amendment.** Title 3 CMC, Division 4, Section 4434 (e) is amended to include a new subsection (9) to read;

“(9) for technical and professional employees, including light and heavy equipment operators in the Department of Natural Resources.”

**Section 6. Amendment.** 3 CMC Section 4434 (e) is amended to include a new subsection (10) to read as follows:

“(1) in the Department of Commerce and Labor, Central Statistics Division, for technical and professional staff, and for temporary or part time employees as needed for statistical surveys and future censuses.”

**Section 7. Amendment.** 3 CMC Section 4437 (e) is amended read:

“(e) A nonresident worker shall not be permitted to perform any services or labor within the Commonwealth for any employer other than the employer for whom the Chief has approved an employment contract with such worker. Nor may a nonresident worker perform any services or labor on a sub-contract between the employer of record and any other employer, except that the Chief may approve such a sub-contract between the employers for a particular job with a specified duration as part of the original employment contract. A nonresident worker who violates any provision of this subsection shall be subject to immediate deportation.”

**Section 8. Amendment.** Title 3 CMC, Division 4, Section 4434 (e) is further amended to read as follows:

“(i) The exceptions of subsection (e) of this section for the Department of Public Health and Environmental Services, the Public Auditor, the Commonwealth Utilities Corporation, the Department of Natural Resources, the Central Statistics Division of the Department of Commerce and Labor, and the Public School System shall expire September 30, 1995

**Section 9. Severability.** If any provision of this Act, or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications if the Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are severable.

**Section 10. Effective Date.** This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:

/S/ \_\_\_\_\_  
OSCAR M. BABAUTA  
SPEAKER OF THE HOUSE

/S/ \_\_\_\_\_  
EVELYN C. FLEMING  
HOUSE CLERK

APPROVED on this 10<sup>th</sup> day of December, 1991

/S/ \_\_\_\_\_  
LORENZO I. DE LEON GUERRERO  
GOVERNOR  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS